

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON

In re:	Case No. 14-16428
SUAREZ, III Dennis & Michelle Ann,	CHAPTER 13 PLAN
Debtors	<u> </u> Original <u> X </u> First Amended
	Dated: <u>October 23, 2014</u>

1. Introduction:

A. Debtor is eligible for a discharge under 11 USC § 1328(f) (check one):

 X Yes
 No

B. Means Test Result. Debtor is (check one):

 a below median income debtor
 an above median income debtor with positive monthly disposable income
 X an above median income debtor with negative monthly disposable income

II. Plan Payments:

No later than 30 days after the filing of the plan or the order for relief, whichever date is earlier, the debtor will commence making payments to the Trustee as follows:

A. AMOUNT: \$ 600.00

B. FREQUENCY (check one):

 Monthly
 X Twice per month
 Every two weeks
 Weekly

C. TAX REFUNDS: Debtor (check one): COMMITS; X DOES NOT COMMIT; all tax refunds to funding the plan. Committed refunds shall be paid in addition to the plan payment stated above. If no selection is made, tax refunds are committed.

D. PAYMENTS: Plan payments shall be deducted from the debtor's wages unless otherwise agreed to by the Trustee or ordered by the Court.

E. OTHER: _____

III. Plan Duration:

The intended length of the plan is 60 months, and may be extended up to 60 months after the first payment is due if necessary for completion. The plan's length shall not be less than the debtor's applicable commitment period as defined under 11 U.S.C. §§ 1322(d) and 1325(b)(4).

IV. Distribution of Plan Payments:

Upon confirmation, the Trustee shall disburse funds received in the following order and creditors shall apply them accordingly, PROVIDED THAT disbursements for domestic support obligations and federal taxes shall be applied according to applicable non-bankruptcy law:

A. ADMINISTRATIVE EXPENSES:

1. Trustee. The percentage set pursuant to 28 USC §586(e).
2. Other administrative expenses. As allowed pursuant to 11 USC §§ 507(a)(2) or 707(b).
3. Attorney's Fees: Pre-confirmation attorney fees and costs shall not exceed \$4,500.00. \$1,070.00 was paid prior to filing. To the extent pre-confirmation fees and costs exceed \$3,500, an appropriate application, including a complete breakdown of time and costs, shall be filed with the Court within 21 days of confirmation.

Approved pre-confirmation fees shall be paid as follows (check one):

- a. X Prior to all creditors;
- b. Monthly payments of \$;
- c. All remaining funds available after designated monthly payments to the following creditors: _____;
- d. Other: _____.

If no selection is made, fees will be paid after monthly payments specified in Sections IV.B and IV.C.

B. CURRENT DOMESTIC SUPPORT OBLIGATION: Payments to creditors whose claims are filed and allowed pursuant to 11 USC § 502(a) or court order as follows (if left blank, no payments shall be made by the Trustee):

<u>Creditor</u>	<u>Monthly amount</u>
_____	\$ _____
_____	\$ _____

C. SECURED CLAIMS: Payments will be made to creditors whose claims are filed and allowed pursuant to 11 USC § 502(a) or court order, as stated below. Unless ranked otherwise, payments to creditors will be disbursed at the same level. Secured creditors shall retain their liens until the payment of the underlying debt, determined under nonbankruptcy law, or discharge under 11 USC § 1328, as appropriate. Secured creditors, other than creditors holding long term obligations secured only by a security interest in real property that is the debtor's principal residence, will be paid the principal amount of their claim or the value of their collateral, whichever is less, plus per annum uncompounded interest on that amount from the petition filing date.

Interest rate and monthly payment in the plan control unless a creditor timely files an objection to confirmation. If a creditor timely files a proof of claim for an interest rate lower than that proposed in the plan, the claim shall be paid at the lower rate. Value of collateral stated in the proof of claim controls unless otherwise ordered following timely objection to claim. The unsecured portion of any claim shall be paid as a nonpriority unsecured claim unless entitled to priority by law.

Only creditors holding allowed secured claims specified below will receive payment from the Trustee. If the interest rate is left blank, the applicable interest rate shall be 12%. If overall plan payments are sufficient, the Trustee may increase or decrease post-petition installments for ongoing mortgage payments, homeowner's dues and/or real property tax holding accounts based on changes in interest rates, escrow amounts, dues and/or property taxes.

1. Continuing Payments on Claims Secured Only by Security Interest in Debtor's Principal Residence (Interest included in payments at contract rate, if applicable):

Rank	Creditor	Nature of Debt	Property	Monthly Payment
_____	_____	_____	_____	\$ _____
_____	_____	_____	_____	\$ _____
_____	_____	_____	_____	\$ _____

2. Continuing Payments on Claims Secured by Other Real Property (Per annum interest as set forth below):

Rank	Creditor	Nature of Debt	Property	Monthly Payment	Interest Rate
_____	_____	_____	_____	_____	_____%
_____	_____	_____	_____	_____	_____%

3. Cure Payments on Mortgage/Deed of Trust/Property Tax Arrearage (If there is a property tax arrearage, also provide for postpetition property tax holding account at Section XII):

Periodic Rank Payment	Creditor	Property	Arrears to be Cured	Interest Rate
_____ \$ _____	_____	_____	\$ _____	_____%
_____ \$ _____	_____	_____	\$ _____	_____%

4. Payments on Claims Secured by Personal Property:

a. **910 Collateral.**

The Trustee shall pay the contract balance as stated in the allowed proof of claim for a purchase-money security interest in any motor vehicle acquired for the personal use of the debtor(s) **within 910 days** preceding the filing date of the petition or in other personal property acquired within **one year** preceding the filing date of the petition as follows. Debtor stipulates that pre-confirmation adequate protection payments shall be paid by the Trustee as specified upon the creditor filing a proof of claim. If no amount is specified, the Trustee shall pay the amount stated as the "Equal Periodic Payment".

<u>Rank</u>	<u>Equal Periodic Payment</u>	<u>Creditor</u>	<u>Description of Collateral Payment</u>	<u>Pre-Confirmation Adequate Protection Payment</u>	<u>Interest Rate</u>
_____	\$ _____	_____	_____	\$ _____	_____%
_____	\$ _____	_____	_____	\$ _____	_____%
_____	\$ _____	_____	_____	\$ _____	_____%
_____	\$ _____	_____	_____	\$ _____	_____%

b. **Non-910 Collateral.**

The Trustee shall pay the value of collateral stated in the proof of claim, unless otherwise ordered following timely objection to the claim, for a purchase-money security interest in personal property which is non-910 collateral. Debtor stipulates that pre-confirmation adequate protection payments shall be paid by the Trustee as specified upon the creditor filing a proof of claim. If no amount is specified, the Trustee shall pay the amount stated as the "Equal Periodic Payment".

<u>Rank</u>	<u>Equal Periodic Payment</u>	<u>Creditor</u>	<u>Debtor(s) Value of Collateral</u>	<u>Description of Adeq. Collateral</u>	<u>Pre-Confirmation Protection Payment</u>	<u>Interest Rate</u>
1	\$All Avail.	IRS	\$10,450.00	Personal Property	\$0.00	3.0%
_____	\$ _____	_____	\$ _____	_____	\$ _____	_____%
_____	\$ _____	_____	\$ _____	_____	\$ _____	_____%
_____	\$ _____	_____	\$ _____	_____	\$ _____	_____%

D. PRIORITY CLAIMS: Payment in full, on a pro rata basis, of filed and allowed claims entitled to priority in the order stated in 11 USC § 507(a).

E. NONPRIORITY UNSECURED CLAIMS: From the balance remaining after the above payments, the Trustee shall pay filed and allowed nonpriority unsecured claims as follows:

1. Specially Classified Nonpriority Unsecured Claims. The Trustee shall pay the following claims prior to other nonpriority unsecured claims as follows:

<u>Rank</u>	<u>Creditor</u>	<u>Amount of Claim</u>	<u>Percentage To be Paid</u>	<u>Reason for Special Classification</u>
_____	_____	\$ _____	_____%	_____
_____	_____	\$ _____	_____%	_____

2. Other Nonpriority Unsecured Claims (check one):

a. ☐ 100% paid to allowed nonpriority unsecured claims. **OR**

b. ☒ Debtor shall pay at least \$0.00 to allowed nonpriority unsecured claims over the term of the plan. Debtor estimates that such creditors will receive approximately 0% of their allowed claims.

V. Secured Property Surrendered:

The secured property described below will be surrendered to the following named creditors on confirmation. Upon confirmation, all creditors to which the debtor is surrendering property pursuant to this section are granted relief from the automatic stay to enforce their security interest against the property including taking possession and sale.

Creditor

Property to be Surrendered

VI. Executory Contracts and Leases:

The debtor will assume or reject executory nonresidential contracts or unexpired leases as noted below. Assumption will be by separate motion and order, and any cure and/or continuing payments will be paid

directly by the debtor under Section VII, unless otherwise specified in Section XII with language designating that payments will be made by the Trustee, the amount and frequency of the payments, the ranking level for such payments with regard to other creditors, the length of the term for continuing payments and the interest rate, if any, for cure payments. Any executory contract or unexpired lease not assumed pursuant to 11 USC § 365(d) is rejected. If rejected, the debtor shall surrender any collateral or leased property and any duly filed and allowed unsecured claim for damages shall be paid under Section IV.E.2.

Contract/Lease

Assumed or Rejected

VII. Payments to be made by Debtor and not by the Trustee:

The following claims shall be paid directly by the debtor according to the terms of the contract or support or withholding order, and shall receive no payments from the Trustee. (Payment stated shall not bind any party.)

A. DOMESTIC SUPPORT OBLIGATIONS: The claims of the following creditors owed domestic support obligations shall be paid directly by the debtor as follows:

<u>Creditor</u>	<u>Current Monthly Support Obligation</u>	<u>Monthly Arrearage Payment</u>
Susan Nienefeld	\$300.00	\$ n/a
	\$	\$
	\$	\$

B. OTHER DIRECT PAYMENTS:

<u>Creditor</u>	<u>Nature of Debt</u>	<u>Amount of Claim</u>	<u>Monthly Payment</u>
Chase	Residence	\$298,811.00	\$1,101.13

VIII. Revestment of Property

Unless otherwise provided in Section XII, during the pendency of the plan all property of the estate as defined by 11 USC § 1306(a) shall remain vested in the debtor, except that earnings and income necessary to complete the terms of the plan shall remain vested in the Trustee until discharge. The debtor shall not, without approval of the Court, sell or otherwise dispose of or transfer real property other than in accordance with the terms of the confirmed plan.

IX. Liquidation Analysis Pursuant to 11 USC § 1325(a)(4)

The liquidation value of the estate is \$0.00. In order to obtain a discharge, the debtor must pay the liquidation value or the total of allowed priority and nonpriority unsecured claims, whichever is less. Under 11 USC §§ 1325(a)(4) and 726(a)(5), interest on allowed unsecured claims under Section IV.D and IV.E shall be paid at the rate of 0% per annum from the petition filing date (no interest shall be paid if left blank).

X. Other Plan Provisions:

- A. No funds shall be paid to nonpriority unsecured creditors until all secured, administrative and priority unsecured creditors are paid in full, provided that no claim shall be paid before it is due.
- B. Secured creditors shall not assess any late charges, provided payments from the plan to the secured creditor are current, subject to the creditor's rights under state law if the case is dismissed.
- C. The holder of a secured claim shall file and serve on the Trustee, debtor and debtor's counsel a notice itemizing all fees, expenses, or charges (1) that were incurred in connection with the claim after the bankruptcy case was filed, and (2) that the holder asserts are recoverable against the debtor or the debtor's principal residence. The notice shall be served within 180 days after the date on which the fees, expenses or charges are incurred, per Fed. R. Bankr. P. 3002.1(c)*
- D. Mortgage creditors shall file and serve on the Trustee, debtor and debtor's counsel a notice of any change in the regular payment amount, including any change that results from an interest rate or escrow adjustment, no later than 21 days before a payment in the new amount is due, per Fed. R. Bankr. P. 3002.1(b).
- E. Provision by secured creditors or their agents or attorneys of any of the notices, statements or other information provided in this section shall not be a violation of the 11 USC § 362 automatic stay or of privacy laws.

*See Paragraph XII below.

XI. Certification:

- A. The debtor certifies that all post-petition Domestic Support Obligations have been paid in full on the date of this plan and will be paid in full at the time of the confirmation hearing. Debtor acknowledges

that timely payment of such post-petition Domestic Support Obligations is a condition of plan confirmation pursuant to 11 USC § 1325(a)(8).

B. By signing this plan, the debtor and counsel representing the debtor certify that this plan does not alter the provisions of Local Bankruptcy Form 13-4, except as provided in Section XII below. Any revisions to the form plan not set forth in Section XII shall not be effective.

XII. Additional Case-Specific Provisions:

- (a) Any refund to Debtor upon dismissal or discharge shall be disbursed through Debtor's counsel.
- (b) Debtor's personal liability on all secured claims is discharged upon completion of the plan.

/s/ Travis A. Gagnier
Travis A. Gagnier #26379
Attorney for Debtor(s)

/s/ Dennis Suarez, III
DEBTOR Last 4 digits SS# Date

October 23, 2014
Date

/s/ Michelle Ann Suarez
DEBTOR Last 4 digits SS# Date

PROOF OF SERVICE

I declare under penalty of perjury under the laws of the State of Washington that I filed the original of the foregoing with the United States Bankruptcy Court at Seattle and served a true copy thereof to:

Judge Timothy W. Dore
U.S. Bankruptcy Court

K. Michael Fitzgerald
Chapter 13 Trustee

U.S. Trustee

via ECF, and to:

Debtors All creditors on the mailing matrix and who requested special notice
(current mailing matrix attached)

via U.S. first-class mail, postage pre-paid, on the 29th day of October 2014.

/s/ Jennifer Roberts
Jennifer Roberts
Assistant to Travis A. Gagnier

Label Matrix for local noticing
0981-2
Case 14-16428-TWD
Western District of Washington
Seattle
Wed Oct 29 10:34:10 PDT 2014

Audit And Adjustment
19401 40th Avenue West Ste 312
Lynnwood WA 98036-5600

CAPITAL MANAGEMENT
698 1/2 S Ogden ST
Buffalo NY 14206-2317

Chase
Po Box 15298
Wilmington DE 19850-5298

Department Stores National Bank/Macys
Bankruptcy Processing
Po Box 8053
Mason, OH 45040-8053

Travis A. Gagnier
Travis A Gagnier Attorney at Law
33507 9th Ave S Bldg F
PO Box 3949
Federal Way, WA 98063-3949

JPMorgan Chase Bank, National Association
Attn: Correspondence Mail
c/o JP Morgan Chase Bank, NA
700 Kansas Lane
Mail Code LA4-5555
Monroe, LA 71203-4774

Mcydsnb
9111 Duke Blvd
Mason OH 45040-8999

Navient Solutions Inc
on behalf of NELA
Attn: Bankruptcy Litigation Unit E3149
P.O. Box 9430
Wilkes-Barre, PA 18773-9430

Nco Fin/55
605 W Edison Rd Suite K
Mishawaka IN 46545-8823

Army & Air Force Exchange Services
c/o Bass & Associates, P.C.
3936 E. Ft. Lowell Rd, Suite #200
Tucson, AZ 85712-1083

BISHOP, WHITE & MARSHALL & Wei
720 OLIVE WAY SUITE 1201
SEATTLE WA 98101-1801

CBCS
PO BOX 2589
Columbus OH 43216-2589

Chase
Po Box 24696
Columbus OH 43224-0696

FIA CARD SERVICES
PO BOX 22021
Greensboro NC 27420-2021

INTERNAL REVENUE SERVICE
CENTRALIZED INSOLVENCY OPERTAT
PO BOX 7346
Philadelphia PA 19101-7346

KING COUNTY TREASURY
500 FOURTH AVE ROOM 600
SEATTLE WA 98104-2387

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108 1st Avenue South, Ste. 300
Seattle, WA 98104-2104

Navy Fcu
One Security Place
Merrifield VA 22119-0001

Patenaude & Felix, A.P.C.
4727 44th Avenue, Ste 103
Seattle WA 98116-4467

Arstrat
9800 Centre Parkwa #1100
Houston TX 77036-8263

(p)BANK OF AMERICA
PO BOX 982238
EL PASO TX 79998-2238

CHILD SUPPORT ENFORCEMENT
BANKRUPTCY & COLLECTIONS
PO BOX 11520
TACOMA WA 98411-5520

Citi
Po Box 6241
Sioux Falls SD 57117-6241

K Michael Fitzgerald
600 University St #2200
Seattle, WA 98101-4152

JPMorgan Chase Bank, National Association
c/o McCarthy & Holthus, LLP
108 1st Avenue South
Ste. 300
Seattle, WA 98104-2104

Krista L White & Associates
1417 4th Ave
Ste 300
Seattle WA 98101-2242

(p)CREDITORS BANKRUPTCY SERVICE
PO BOX 800849
DALLAS TX 75380-0849

Navy Federal Credit Union
PO Box 3000
Merrifield, VA 22119-3000

Prof Credit
2892 Crescent Ave
Eugene OR 97408-7397

ST FRANCIS HOSPITAL DEPT #2000 PO BOX 34936 SEATTLE WA 98124	Sallie Mae 11100 Usa Pkwy Fishers IN 46037-9203	Dennis Suarez III 46710 244th Ave SE Enumclaw, WA 98022-7467
Michelle Ann Suarez 46710 244th Ave SE Enumclaw, WA 98022-7467	Susan Lynn Nuenefeld 1225 244th Ave NE Sammamish WA 98074-7334	Suttell & Hammer PO Box C-90006 Bellevue WA 98009
Synco/Chevron Po Box 965015 Orlando FL 32896-5015	United States Trustee 700 Stewart St Ste 5103 Seattle, WA 98101-4438	Usaa Savings Bank Po Box 47504 San Antonio TX 78265-7504
Usaa Sb 10750 Mc Dermott Fwy San Antonio TX 78288-1600		

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Bk Of Amer Po Box 982235 El Paso TX 79998	Mil Star 3911 S Walton Walker Blvd Dallas TX 75265-0410	End of Label Matrix Mailable recipients 39 Bypassed recipients 0 Total 39
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